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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,609	10/23/2003	Youne-sang Lee	1572.1174	5912

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EXAMINER	
ALAM, FAYYAZ	

ART UNIT	PAPER NUMBER
2618	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/690,609	LEE, YOUNE-SANG	
	Examiner	Art Unit	
	Fayyaz Alam	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 July 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 - 4, 6 - 7, and 9 - 11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 - 4, 6 - 7, and 9 - 11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/23/2007 has been entered.

Response to Arguments

Applicant's arguments with respect to claims 1 - 4, 6 - 7, and 9 - 11 have been considered but are moot in view of the new ground(s) of rejection.

Please see rejections below.

Claim Objections

Claims 6 - 7 and 9 - 10 are objected to because of the following informalities: The claims depend on cancelled claims 5 and 8 respectively. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 - 4, 6 - 7, and 9 - 10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Consider **claims 1 and 3**, the limitation "directly to" is not supported by the applicant's specification. The disclosure most related to said limitation is on pgs. 5 - 7 paragraphs [0020, 0023, and 0025] and discloses that power is supplied to a series of portable computer system components. Such a disclosure is not equivalent to "supply power directly to the BIOS memory". Therefore, said limitation presents new matter. Appropriate corrections are required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1 - 4, 6, 7, and 9 - 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Jeansonne et al. (U.S. Application # 2003/0023761)** in view of **Cavin (U.S. Application # 2003/0126492).**

Consider **claims 1 and 3**, Jeansonne et al. disclose a notebook computer (100) (read as portable computer) and a method of controlling the notebook computer (100) that includes a power supply (40) and a wireless communication module (42) (read wireless communication part) capable of transmitting and receiving a wireless signal as indicated by antenna (52) comprises: an LED indicator (66) (read as displaying part; an electrical switch (58) (read as selection part to display wireless accessibility to the wireless service network; see [0058]); a microcontroller (44) (read as controller) that controls power supply (40) through coupling with the seek logic (60) to supply power to the wireless communication module (42) (read as wireless communication part; see [0038] and [0040]), and LED indicator (66) (read as displaying part) in order to execute the search for wireless network access and display the network availability once the electrical switch (58) (read as selection part) is selected while the notebook computer (100) (read as portable computer) power is turned off (see [0037 - 0042]). Although not explicitly disclosed it is inherent in order to operate any electrical device one would need to supply power to it. Similarly, in order to operate the BIOS, it is inherent to supply power.

However, Jeansonne et al. fail to disclose a BIOS memory storing a network accessing routine determining the wireless accessibility based on the wireless signal received by the wireless communicating part and supplying power directly to the BIOS memory.

In the related field of endeavor, Cavin discloses BIOS/firmware (306 & 228) that comprises an 802.11(b) Medium Access Controller (MAC) (read as network access routine) which provides interface between the software in the BIOS (306 & 228) and the network card and plays a part in performing wireless communication and power would inherently be supplied to the BIOS in order to function (see [0037]; fig. 2).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Jeansonne et al. with the teachings of Cavin in order to reduce the processing load at the wireless communication module.

Consider **claims 2 and 4** as applied to claims 1 and 4, Jeansonne et al. disclose a ten second (predetermined time) seek time to determine the availability of a wireless network once the electrical switch (58) (read as selection part) is selected and after that the power supply is disabled through the seek logic (60) which is coupled to the microcontroller (44) (read as controller) which effectively shuts off any power (read as the controller controls the power supplying part to interrupt the power supply to the displaying part, the wireless communication part and the BIOS memory (see [0043] and [0046]).

Consider **claim 6** as applied to claim 5, Jeansonne et al. disclose a wireless communication module (42) (read wireless communication part) capable of transmitting and receiving a wireless signal as indicated by antenna (52) and an LED indicator (66) (read as notifying part) to display the wireless network availability (see [0036 - 0042]).

However, Jeansonne et al. fail to disclose a BIOS memory storing a network accessing routine determining the wireless accessibility based on the wireless signal received by the wireless communicating part.

In the related field of endeavor, Cavin discloses BIOS/firmware (306) that comprises an 802.11(b) Medium Access Controller (MAC) (read as network access routine) which provides interface between the software in the BIOS (306) and the network card and plays a part in performing wireless communication (see [0037]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Jeansonne et al. with the teachings of Cavin in order to reduce the processing load at the wireless communication module.

Consider **claim 7** as applied to claim 5, Jeansonne et al. disclose a wireless communication module (42) (read as wireless communication part) receiving and transmitting a wireless signal through the wireless network as shown by antenna (52) to seek a wireless network in response to the execution of the seek function (read as network access routine) and providing the wireless network availability and displaying the availability through the LED indicator (66) (see [0042] and [0045]).

However, Jeansonne et al. fail to disclose a BIOS memory storing a network accessing routine determining the wireless accessibility based on the wireless signal received by the wireless communicating part.

In the related field of endeavor, Cavin discloses BIOS/firmware (306) that comprises an 802.11(b) Medium Access Controller (MAC) (read as network access routine) which provides interface between the software in the BIOS (306) and the network card and plays a part in performing wireless communication (see [0037]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Jeansonne et al. with the teachings of Cavin in order to reduce the processing load at the wireless communication module.

Consider **claim 9** as applied to claim 8, Jeansonne et al. disclose a wireless communication module (42) (read wireless communication part) capable of transmitting and receiving a wireless signal as indicated by antenna (52) and an LED indicator (66) (read as notifying part) to display the wireless network availability (see [0042]).

However, Jeansonne et al. fail to disclose a BIOS memory storing a network accessing routine determining the wireless accessibility based on the wireless signal received by the wireless communicating part.

In the related field of endeavor, Cavin discloses BIOS/firmware (306) that comprises an 802.11(b) Medium Access Controller (MAC) (read as network access routine) which provides interface between the software in the BIOS (306) and the network card and plays a part in performing wireless communication (see [0037]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Jeansonne et al. with the teachings of Cavin in order to reduce the processing load at the wireless communication module.

Consider **claim 10** as applied to claim 8, Jeansonne et al. disclose a wireless communication module (42) (read as wireless communication part) receiving and transmitting a wireless signal through the wireless network as shown by antenna (52) to seek a wireless network in response to the execution of the seek function (read as network access routine) and providing the wireless network availability and displaying the availability through the LED indicator (66) (see [0042] and [0045]).

However, Jeansonne et al. fail to disclose a BIOS memory storing a network accessing routine determining the wireless accessibility based on the wireless signal received by the wireless communicating part.

In the related field of endeavor, Cavin discloses BIOS/firmware (306) that comprises an 802.11(b) Medium Access Controller (MAC) (read as network access routine) which provides interface between the software in the BIOS (306) and the network card and plays a part in performing wireless communication (see [0037]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Jeansonne et al. with the teachings of Cavin in order to reduce the processing load at the wireless communication module.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Jeansonne et al. (U.S. Application # 2003/0023761)** in view of **Cavin (U.S. Application # 2003/0126492)** and further in view of **Marchevsky (USPN 2005/0032516).**

Consider **claim 11**, Jeansonne et al. disclose a method of controlling a notebook computer (100) (read as wireless portable computer) by operating an electrical switch (58) (read as hardware selector) while the power to the notebook computer (100) is turned off in order to provide network access to the notebook computer (100) and power to the wireless communication module (42).

However, Jeansonne et al. fail to disclose storing in a BIOS memory of the wireless portable computer a wireless network accessing routine that provides a wireless network accessibility status; and executing the wireless network accessing routine at the BIOS level to provide the wireless network accessibility status and supplying power directly to the BIOS memory.

In the related field of endeavor, Cavin discloses BIOS/firmware (306 & 228) that comprises an 802.11(b) Medium Access Controller (MAC) (read as network access routine) which provides interface between the software in the BIOS (306 & 228) and the network card and plays a part in performing wireless communication at the BIOS level and power to the BIOS would inherently be supplied in order to function (see [0037]; fig. 2).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Jeansonne et al. with the

teachings of Cavin in order to reduce processing load at the wireless communication module.

Furthermore, Jeansonne as modified by Cavin disclose illuminating the LED when wireless AP is available (see Jeansonne [0042]) but do not explicitly disclose illuminating, while the network accessing routine is being executed, a display part in an illumination mode that differs from an illumination mode when it is determined whether a wireless network is accessible.

In the related field of endeavor, Marchevsky discloses a tri-colored LED that illuminates yellow to indicate that a wireless network may be present (read as while the network accessing routine is being executed), an LED (read as display part) glows green (read as an illumination mode that differs from an illumination mode when it is determined whether a wireless network is accessible) to indicate a wireless network being detected (see [0026]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Jeansonne and Cavin with the teachings of Marchevsky in order to clearly determine the presence of a wireless network and distinctly present it to the user.

Conclusion

Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to**:

Commissioner for Patents
P.O. Box 1450

Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Fayyaz Alam whose telephone number is (571) 270-1102. The Examiner can normally be reached on Monday-Friday from 9:30am to 7:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Fayyaz Alam

September 20, 2007

NAY MAUNG
SUPERVISORY PATENT EXAMINER